

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB171)

Received: **10/15/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Bill Kramer (608) 266-8580**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kramer@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

GPS tracking

Instructions:

make exemption for on-star type subscription services

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 10/15/2009	csicilia 10/15/2009	jfrantze 10/15/2009	_____	mbarman 10/15/2009	mbarman 10/15/2009	
/2	phurley 10/15/2009	csicilia 10/15/2009	jfrantze 10/15/2009	_____	mbarman 10/15/2009	mbarman 10/15/2009	

FE Sent For:

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FE Sent For:

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Hurley, Peggy

From: Sholty, Cameron
Sent: Wednesday, October 14, 2009 11:09 PM
To: Hurley, Peggy
Subject: Amendments for AB 171.

Peggy -

I'm hoping you'll be able to prepare an amendment for tomorrow's Exec in Personal Privacy.

Can you please prepare an amendment that will exempt subscription-based services like OnStar? It should go into the section of the legislation that lists an exemption of law enforcement.

Please call with any questions. If there is no answer at the office, you can reach me on my cell phone at 414-526-6164.

Thanks, Peggy.

C

Cameron Sholty
Office of State Representative Bill Kramer
97th Assembly District

o: 608-266-8580
e: cameron.sholty@legis.wisconsin.gov

10/15/2009

OnStar

From Wikipedia, the free encyclopedia


OnStar Corporation is a subsidiary of General Motors that provides subscription-based communications, in-vehicle security, hands free calling, turn-by-turn navigation, and remote diagnostics systems throughout the United States and Canada. OnStar services are only available currently on vehicles manufactured by General Motors. The service is available for all vehicles that have the factory-installed OnStar hardware. OnStar is known as **ChevyStar** in Latin American markets. The service currently has more than five million subscribers.^[1]

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OnStar Corporation



Type	Subsidiary
Founded	1995
Headquarters	 Detroit, Michigan, USA
Key people	Chet Huber, president
Website	onstar.com

Overview

The OnStar service relies on CDMA mobile phone voice and data communication, primarily via Verizon Wireless in the United States and Bell Mobility in Canada, as well as location information using GPS technology. Drivers and passengers can use its audio interface to contact OnStar representatives for emergency services, vehicle diagnostics and directions. OnStar equipped vehicles with an active subscription will also contact representatives, based out of Pontiac, Michigan; Charlotte, North Carolina; Makati, Philippines; and Oshawa, Ontario in the event of a collision where the airbags are deployed. Newer models will contact OnStar in any type of collision whether airbags deploy or not. This new service is called Advanced Automatic Crash Response (AACR) and is designed to assist emergency response efforts.

When a driver presses the Red OnStar Emergency button or Blue OnStar button, current vehicle data and the user's GPS location are immediately gathered. This information is then sent to OnStar. OnStar Emergency calls are routed to the OnStar Center with highest priority. Three centers exist to receive emergency calls: Pontiac, Michigan; Charlotte, North Carolina and Ontario Canada; and all centers are open 24 hours a day.

Starting 2009, General Motors will equip some new vehicles with Stolen Vehicle Slowdown.^[2] This allows police to remotely slow down the vehicle. The service is also expected to help reduce the risk of property damage, serious injuries or fatalities resulting from high-speed pursuits of stolen vehicles. Customers may opt out of that function.^[3]

Verizon Wireless currently offers the "Nationwide Plan with OnStar," which is a bundle plan between Verizon Wireless

service and OnStar service.^[4] With this plan, the Verizon Wireless phone is the "primary line" and the OnStar device is the "secondary line." This plan is actually based around the "Family SharePlan," with rates starting at \$69.99 USD for 700 minutes.^[5]

Effective July 13, 2009, OnStar and Verizon Wireless stopped accepting any new customers on this program. This decision does not affect those OnStar customers who already are enrolled in the Verizon Wireless shared minute program. While the shared minute program is being discontinued, OnStar customers can still use OnStar's voice-activated Hands-Free Calling by purchasing minutes from OnStar.^[6]

History

OnStar was formed in 1995 as a collaboration between GM, Electronic Data Systems and Hughes Electronics Corporation. Each of the founding companies brought a specific area of expertise to the enterprise: GM brought vehicle design and integration and a distribution system of millions of vehicles, EDS brought much of the systems development and information management and customer service technologies, while Hughes contributed communications and satellite technology and automotive electronics.

In 1996, then GM North America Operations President Rick Wagoner officially launched OnStar at the Chicago Auto Show. OnStar delivered its first product and service to the market in 11 months, in the fall of 1996 for model year 1997 Cadillac DeVille, Seville and Eldorado models. For a short time, OnStar service was available on vehicles produced by Acura, Audi, Subaru, Mercedes-Benz and Volkswagen through a licensing agreement.

In April 2006, GM notified approximately 500,000 of their OnStar customers who had analog service that their service would be terminated effective December 31, 2007, because starting February 18, 2008 the FCC would no longer require US cell phone systems to operate in analog mode. Customers who purchased a prepaid, non-refundable, non-transferable 1-year OnStar Safe & Sound subscription were scheduled to receive an equipment upgrade. If the vehicle is from the 2003, 2004, or 2005 model year, an adapter costing approximately \$200 (includes a one year subscription) can be installed at the customer's expense. If it is older, it will simply no longer be usable.^[7] A law firm in Pennsylvania representing some of the affected customers sought to have a class certified for a class action lawsuit for damages claimed in the cancellation of OnStar service.^[8]

Advocacy

OnStar advocates tout it as an essential safety tool. GM commercials have compared it to seatbelts and airbags, as the next major technology for safe driving. The benefits, they say, include its ability to aid police in tracking down stolen vehicles; contacting emergency medical services in case of an accident (should the driver request this or be non-responsive); notifying drivers of potentially dangerous mechanical problems; emails are sent to owners that give a diagnostics of their vehicle every month if subscribed to; and unlocking doors for drivers (after verifying authorization over the phone) should their keys be misplaced or locked inside their car. OnStar's basic subscription also includes Roadside assistance, as well HFC (Hands Free Calling) which is integrated into the OnStar system and operates in the same way as a regular cell phone does except that it is operated through voice recognition. Automatic Crash Response allows emergency advisors to provide emergency medical services (EMS) with additional crash information such as rollover status, direction of impact, which airbags have deployed (front, side etc.) and the Delta V-Force which is a medical measure of the intensity of an impact. All this information allows EMS to respond to the crash with appropriate equipment.

Advertising campaign

In 2002, GM produced a series of Batman OnStar commercials that featured Batman (using the Batmobile and props from the 1989 film) using the service to call people, access his mail, navigate to certain locations, and to unlock the Batmobile. These were discontinued with radio commercials.

GM promoted the service with radio commercials demonstrating how it would work. It provided the recording of

someone interacting with OnStar in various scenarios designed to show its utility. The commercials stated that these were recordings of actual instances of customers using the services, and gave the date on which they occurred.

Privacy issues

Critics raise questions about whether police or others could make use of OnStar's tracking, whether legally or illegally, for surveillance or stalking. Privacy advocates worry that innocent citizens may be hassled by the authorities due to false alarms.

"The Truth About Cars" wrote that "OnStar's computer knows where you were, when you were there, and how fast you went. It knows if and when you applied the brakes, if and when the air bags deployed, and what speed you were going at the time. It knows if and when your car was serviced. OnStar operators can determine if you have a passenger in the front seat (airbag detection). ... under certain conditions, OnStar can switch on your GM car's microphone remotely and record any and all sounds within the vehicle (i.e. conversations)."^[9]

Concerns have also been raised about what could be done with the data collected and stored by a vehicle's MVEDR, which is analogous to the "black box" recorder on airplanes, although an MVEDR is not as sophisticated and does not currently function as a digital audio recorder. For example, privacy advocates worry that auto dealers could use data to suggest that the user engaged in reckless driving and therefore violated the terms of the vehicle's warranty, or insurance companies could use said data as the basis for denying claims.

Voice-monitoring capability is marketed as OnStar Hands-Free Calling.^[10] The use of this type of capability by law enforcement is subject to legal debate and some technical impediments.^[11] OnStar maintains that it is unable to "listen to, view, or record the content of calls".^[12] However, a 2003 lawsuit revealed that systems such as OnStar can be used for eavesdropping on passenger conversations.^[13]

Hardware

GM is currently deploying OnStar Generation 8 hardware that includes enhanced services and diagnostics. OnStar hardware is currently manufactured by Continental AG and LG Electronics, although early models were made by Hughes for Gen 1, Delphi, for Gen 2 and Motorola for Gen 4 to Gen 6.

Analog

The Gen 1 to Gen 4 models were analog. All were for Class 2 bus. Gen 5 models were a transition period. Some Gen 5 models actually contained both analog and digital cellular phone modules. Also, there were both Class 2 and CAN bus models.

Digital

The Gen 6 and up models are CDMA digital. Some were Class 2 bus and some were CAN (Controller Area Network) bus.

Compatibility

Some Gen 5 and Gen 6 models were compatible with each other providing some upgrades to some customers to Digital. FDMA cellular was turned off in Feb, 2008. Customers that had the Gen 1 through Gen 4 models were unable to upgrade to the Digital Gen 6.

No compatibility in Gen 1 and 4 with mother models

Some compatibility with Gen 2 and Gen 2.6 (Delphi TCU and Motorola cellular transceiver).

In pop culture

- In the season finale of the 2007 show *Burn Notice* a covert government intelligence agency hijacks the GM OnStar system in the car driven by the main character Michael Westen, issuing him directions to a rendezvous.
- In the movie *Malibu's Most Wanted*, California governor candidate Bill Gluckman uses OnStar to find the location of his son, Brad Gluckman.
- On Eminem's 2009 album *Relapse*, OnStar is mentioned in the skit "Tonya" and the following song "Same Song and Dance". It mentions how the aforementioned girl's OnStar system is broken.
- On one episode of the Discovery Channel/TLC TV series *American Chopper*, Paul Teutul, Sr. uses OnStar to obtain access to his truck after his dog accidentally locks him out.
- In the *NCIS* second season episode "Chained," Special Agent Tony DiNozzo uses a specially designed version of OnStar while undercover as an escaped prisoner. This program wasn't the real OnStar system and was actually being run by Abby to keep track of the whereabouts of Tony and the man he was with, who was the suspect that NCIS agents wanted. Though Tony intended to use the "OnStar" system to make a call, a subsequent auto accident heard by Abby allowed her to quickly alert Gibbs and the rest of the team to Tony's location.
- In the *NCIS* first season episode, "The Good Samaritan," Gibbs uses the real OnStar system to track a suspect. An error in the episode is that the suspect was not driving a General Motors vehicle, so it actually wouldn't have been equipped with OnStar.

See also

- Advanced Automatic Collision Notification
- Batman OnStar commercials
- BMW Assist
- Dashtop mobile
- GPS tracking
- Lexus Link
- LoJack
- MVEDR
- Vehicle tracking system

References

- ↑ [1]
- ↑ "OnStar Could Thwart Car Thieves" The Auto Writer, Cary, NC, October 10, 2007. Retrieved September 7, 2008.
- ↑ "Device can remotely halt auto chases" Chris Woodyard, USA TODAY, 2007-10-09
- ↑ Verizon's website
- ↑ Verizon's website
- ↑ http://www.onstar.com/us_english/jsp/vzw_discontinue.jsp
- ↑ "OnStar Goes Digital, GM to Drop 500,000 Subscribers." Benton, Joe April 10, 2007. Consumeraffairs.com. Retrieved May 1, 2007
- ↑ "Class action sought for OnStar suit." Times-Leader, Pennsylvania, May 1, 2007. Retrieved May 1, 2007.
- ↑ OnStar: Big Brother's Eye in the Sky. Jonathan I. Locker, February 14, 2008
- ↑ OnStar's website
- ↑ Refuse and Resist.org
- ↑ OnStar's privacy policy
- ↑ Court to FBI: No spying on in-car computers

External links

- OnStar official website for the United States
- OnStar official website for Canada
- The Truth About OnStar - An OnStar Review

- howstuffworks.com

Retrieved from "<http://en.wikipedia.org/wiki/OnStar>"

Categories: [General Motors](#) | [Car safety](#) | [Companies based in Detroit, Michigan](#) | [Automotive technology tradenames](#) | [Wireless](#)

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2009 ASSEMBLY BILL 171

March 26, 2009 – Introduced by Representatives KRAMER, KESSLER and SCHNEIDER, cosponsored by Senator ERPENBACH. Referred to Committee on Personal Privacy.

1 **AN ACT** *to create* 940.315 of the statutes; **relating to:** unlawful use of a global
2 positioning device and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes it unlawful to place a global positioning device on another person's vehicle without that person's knowledge and consent or to intentionally obtain information regarding another person's movement or location generated by a global positioning device without that person's knowledge or consent. A person who does so is guilty of a Class I felony and is subject to a fine not to exceed \$10,000, imprisonment not to exceed three years and six months, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 940.315 of the statutes is created to read:
4 **940.315 Global positioning devices.** Whoever places a global positioning
5 device on a vehicle owned or used by another person without that person's knowledge

ASSEMBLY BILL 171**SECTION 1**

1 and consent or intentionally obtains information regarding another person's
2 movement or location generated by a global positioning device without that person's
3 knowledge or consent is guilty of a Class I felony. This section does not apply to a law
4 enforcement officer acting in his or her official capacity or to an employer, as defined
5 in s. 343.245 (1) (b), acting to track the movement or location of a commercial motor
6 vehicle during business hours.

7 (END)



State of Wisconsin
2009 - 2010 LEGISLATURE

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PJH:/:....

cjs

ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 171

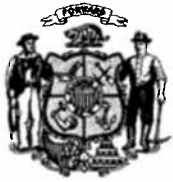
bill 171

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 3: after "apply to" insert "a factory-installed,
3 subscription-based communication and navigation system or to".

person who installs a

4 (END)



State of Wisconsin
2009 - 2010 LEGISLATURE

Now

LRBa08821

PJH:cjs:jf

slays

ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 171

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 3: after "apply to" insert "a person who installs a
3 factory-installed, subscription-based communication and navigation system or to".

4 (END)

acting within the
scope of his or her
employment